GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2774
ANSWERED ON:09.08.2001
RESERVING OF JUDGEMENT
JAGDAMBI PRASAD YADAV

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the court has to pronounce the judgement at once or within fifteen days from the date on which the hearing of the case is concluded;

(b) whether the `Arrears Committee` also recommended that the reserved judgement by High Courts should ordinarily be pronounced within a period of six weeks;

(c) the remedy available with the litigants, in case the judgement is not pronounced on the date fixed after the 30 days of concluding of hearing;

(d) whether the Government propose to bring a legislation or issue any guidelines to ensure that judgements are announced within a stipulated time;

(e) if so, the details thereof;

(f) whether judges exercise discretionary and unbridled power in this regard; and

(g) if not, the authority who exercises check on such matters?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) As per the provisions of the Civil Procedure Code, every endeavour shall be made by the Court to pronounce the judgement at once or within fifteen days from the date on which the hearing of the case was concluded. If the judgement is not pronounced within 30 days the court shall record reasons for the delay and fix a future day on which the judgement shall be pronounced.

(b) The `Arrears Committee` also recommended that the reserved judgement by High Courts should ordinarily be pronounced within a period of six weeks from the date of completion of the arguments. The recommendations have since, been forwarded to all High Courts for necessary action.

(c) As delivery of judgement is a part of the judicial function of judges, Government does not directly intervene in this matter. However, a number of High Courts have issued instructions to the Subordinate Judiciary for early delivery of judgement.

(d)&(e):The Government has introduced the Code of Civil Procedure (Amendment) Bill, 2000 in Parliament which inter alia provides that where it is not practicable for the Court to pronounce the judgement within thirty days because of exceptional and extraordinatry circumstances of the case, the Court shall fix a day for the pronouncement of judgement which shall not be ordinarily beyond sixty days from the date on which the case was heard. The Bill is, since, pending consideration of the Department-related Parliamentary Committee on Home Affairs.

Government have also written to the High Courts suggesting to make appropriate rules or provision for early delivery of judgement after the hearing is over.

(f)&(g): No, Sir. There are checks and balances within the judiciary as there is an integrated system of judiciary in the country.